

**9-408A. Plea and disposition agreement.**

[For use with Magistrate Court Rule 6-502,  
Metropolitan Court Rule 7-502 and  
Municipal Court Rule 8-502]

STATE OF NEW MEXICO

[COUNTY OF \_\_\_\_\_]

[CITY OF \_\_\_\_\_]

\_\_\_\_\_ COURT

No. \_\_\_\_\_

[STATE OF NEW MEXICO]

[COUNTY OF \_\_\_\_\_]

[CITY OF \_\_\_\_\_]

v.

\_\_\_\_\_, Defendant

**PLEA AND DISPOSITION AGREEMENT**

The [state] [county] [city] and the defendant hereby agree to the following disposition of this  
case:

**Plea:** The defendant agrees to plead [guilty] [no contest] to the following offenses:

\_\_\_\_\_

---

**Terms:** On the following understandings, terms and conditions:

1. That the following disposition will be made of the charges: \_\_\_\_\_  
\_\_\_\_\_
2. That the following charges will be dismissed, or if not yet filed, shall not be brought against the defendant: \_\_\_\_\_
3. That this agreement, unless rejected or withdrawn, serves to amend the complaint to charge the offense to which the defendant pleads, without the filing of any additional pleading. If the plea is rejected or withdrawn, the original charges are automatically reinstated.
4. Unless this plea is rejected or withdrawn, that the defendant hereby gives up any and all motions, defenses, objections or requests which the defendant has made or raised, or could assert hereafter, to the court's entry of judgment and imposition of a sentence consistent with this agreement.

5. That, if after reviewing this agreement and any presentence report the court concludes that any of its provisions are unacceptable, the court will allow the withdrawal of the plea, and this agreement shall be null and void. If the plea is withdrawn, neither the plea nor any statements arising out of the plea proceedings shall be admissible as evidence against the defendant in any criminal proceedings.

I have read and understand the above. I have discussed the case and my constitutional rights with my lawyer. I understand that by pleading [guilty] [no contest] I will be giving up my right to a trial by jury<sup>1</sup>, to confront, cross-examine, and compel the attendance of witnesses, my privilege against self-incrimination, and my right to appeal my conviction. I agree to enter my plea as indicated above on the terms and conditions set forth herein. I fully understand that if, as part of this agreement, I am granted probation, a suspended sentence or a deferred sentence by the court, the terms and conditions thereof are subject to modification in the event that I violate any of the terms or conditions imposed.

I understand that entry of this plea agreement may have an effect upon my immigration or naturalization status, as well as my legal rights and personal opportunities, and I acknowledge that, if I am represented by an attorney, my attorney has advised me of the immigration consequences of this plea agreement.

***(For use only in Magistrate and Metropolitan Court.)***

*(Domestic violence cases only)* I understand that an entry of a plea for a crime of domestic violence will affect my constitutional right to bear arms, including shipping, receiving, possessing or owning any firearm or ammunition, all of which are crimes punishable under federal law for a person convicted of domestic violence.

***(For use only in Magistrate and Metropolitan Court.)***

I understand that entry of this plea agreement may require me to register as a sex offender under the Sex Offender Registration and Notification Act (Sections 29-11A-1 through 29-11A-10 NMSA 1978), and I acknowledge that, if I am represented by an attorney, my attorney has advised me of the requirement to register.

**(Check and complete if applicable.)**

**Conditional plea**

[ ] I understand that the plea of guilty that I have entered is conditioned upon my appeal. If I file an appeal on the issue of \_\_\_\_\_ (describe pre-trial motion upon which appeal will be based) and I win my appeal on this issue I may withdraw my plea.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant

I have discussed this case with my client in detail and I have advised my client of my client's constitutional rights and all possible defenses. I believe that the plea and disposition set forth herein are appropriate under the facts of this case. I concur in the entry of the plea as indicated above and on the terms and conditions set forth herein.

---

Date

---

Defense Counsel

I have reviewed this matter and concur that the plea and disposition set forth herein are appropriate and are in the interests of justice.

---

Date

---

Prosecutor

Approved:

---

Date

---

Judge

**USE NOTE**

1. The list of rights the defendant is giving up may exclude the right to a trial by jury in municipal court.

[Adopted, effective May 1, 1997; as amended May 15, 2003; as amended by Supreme Court Order 07-8300-29, effective December 10, 2007; as amended by Supreme Court Order No. 08-8300-48, effective December 31, 2008.]